

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

vs.

**SERGIO RIOS,**

Defendant.

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CR. NO. 1:05-mj-110-CSC

**MOTION TO CONTINUE DETENTION HEARING**

*COMES NOW* Defendant Sergio Rios, by and through his undersigned attorney and moves this Honorable Court to continue the detention hearing currently set in this cause on the 27<sup>th</sup> day of October, 2005, at 9:00 o'clock a.m., and as for cause would state the following:

1. The undersigned attorney was retained to represent Defendant on October 26, 2005, and has not had an opportunity to meet with and discuss this case with the Defendant.

2. The interests of justice, the right of a criminal defendant to present an adequate defense, and the right to effective assistance of counsel will all be promoted by this Honorable Court's granting this motion to continue.

*WHEREFORE*, Defendant moves the Court to continue the detention hearing for approximately one week so that he may be afforded an opportunity to discuss the case with his newly retained attorney.

Respectfully submitted this the 26<sup>th</sup> day of October, 2005.

**s/ Derek E. Yarbrough**

**Derek E. Yarbrough**

Bar Number: ASB-6664-R63D

**Attorney for Defendant**

Motley, Motley & Yarbrough, LLC

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**CERTIFICATE OF SERVICE**

We hereby certify that on October 26, 2005, our Entry Of Appearance was filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Louis V. Franklin, Sr.  
U.S. Attorney's Office  
P.O. Box 197  
Montgomery, AL 36101-0197  
Telephone: 334-223-7280  
Facsimile: 334-223-7560  
[louis.franklin@usdoj.gov](mailto:louis.franklin@usdoj.gov)

and a copy has been mailed by United States Postal Service to the following non-CM/ECF participants: None

**s/ Derek E. Yarbrough**  
**Derek E. Yarbrough**  
Bar Number: ASB-6664-R63D  
**Attorney for Defendant**  
Motley, Motley & Yarbrough, LLC  
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